

REMARKS

Claims 10-12, 14, 17, 20-25 are pending.

Claims 1-9, 13, 15, 16, 18-19 have been cancelled, without prejudice.

Claims 26-28 have been added.

In the Office Action dated November 9, 2010, claims 10-12, 14, 17 and 20-25 were rejected under 35 U.S.C. § 103(a) as unpatentable over Joseph (U.S. Patent No. 6,966,003) in view of Bahl (U.S. Patent No. 7,020,464).

It is respectfully submitted that the obviousness rejection of independent claim 10 over Joseph and Bahl is erroneous.

To make a determination under 35 U.S.C. § 103, several basic factual inquiries must be performed, including determining the scope and content of the prior art, and ascertaining the differences between the prior art and the claims at issue. *Graham v. John Deere Co.*, 383 U.S. 1, 17, 148 U.S.P.Q. 459 (1965). Moreover, as held by the U.S. Supreme Court, it is important to identify a reason that would have prompted a person of ordinary skill in the art to combine reference teachings in the manner that the claimed invention does. *KSR International Co. v. Teleflex, Inc.*, 127 S. Ct. 1727, 1741, 82 U.S.P.Q.2d 1385 (2007).

In the rejection of claim 10, the Office Action erroneously alleged that Joseph discloses the following element of claim 10:

in response to detecting failure of the second network element, replacing the second network element with the third network element in the secure network connection with the first network element, wherein the secure network connection between the first network element and the third network element is based on the duplicated security association.

In the foregoing clause of claim 10, the “the network connection” refers to “a secure network connection” introduced in the “duplicating” clause of claim 10. As specified in the “duplicating” clause of claim 10, “a secure network connection” is “between a first network element and a second network element.” As recited in claim 10, in response to detecting failure of the second network element, the second network element is replaced with the third network element in the secure network connection that was previously between the second network element and the first network element.

The foregoing procedure of claim 10 is contrasted with the teachings of Joseph. As depicted in Fig. 2A of Joseph, a first communication is established between first and second

network devices (step 102 in Fig. 2A of Joseph). Joseph, 3:60-64. As further depicted in Fig. 2B of Joseph, in response to the first communication failing, a second communication is established between the first and third network devices (step 116 in Fig. 2B of Joseph). *Id.*, 4:58-65.

Thus, in Joseph, rather than replacing the second network element with the third network element in the secure network connection (which was between the first network element and the second network element), Joseph discloses the establishment of a new communication between the first and third network devices in response to failure of the first communication between the first and second network devices.

Therefore, it is respectfully submitted that Joseph does not disclose or hint at subject matter of claim 10 alleged by the Office Action to be disclosed by Joseph.

It is also clear that Bahl, the secondary reference cited by the Office Action, does not provide any teaching or hint of replacing the second network element with the third network element in the secured network connection with the first network element, in response to detecting failure of the second network element. Bahl relates to a mobile host changing addresses and providing transparent session continuity when the mobile host changes addresses. However, Bahl provides no hint of replacing one network element with another network element in a secure network connection in response to failure of the one network element.

Therefore, even if Joseph and Bahl could be hypothetically combined, the hypothetical combination of references would not have led to the subject matter of claim 10. Moreover, in view of the significant differences between the claimed subject matter and the teachings of Joseph and Bahl, no reason existed that would have prompted a person of ordinary skill in the art to combine the teachings of Joseph and Bahl to achieve the subject matter of claim 10.

In view of the foregoing, the obviousness rejection of claim 10 is clearly erroneous.

Independent claim 22 is allowable over Joseph and Bahl for similar reasons as claim 10. Claim 22 recites a transceiver to receive information relating to at least one security association of **a secure network connection** between a mobile client and a second security server. Claim 22 further recites a processor module to send a message to the mobile client that the first security server is **taking over the secure network connection** in response to detecting failure of the second security server. As discussed above, Joseph discloses establishing a new communication between first and third network devices in response to failure of first communication between the

first network device and a second network device. Joseph provides no hint of a first security server taking over a secure network connection that was previously established between the mobile client and a second security server.

Bahl also provides no hint of the foregoing claimed subject matter. Therefore, even if Joseph and Bahl could be hypothetically combined, the hypothetical combination of the references would not have led to the subject matter of claim 22. Moreover, in view of the significant differences between the claimed subject matter and the teachings of Joseph and Bahl, no reason existed that would have prompted a person of ordinary skill in the art to combine the teachings of Joseph and Bahl to achieve the subject matter of claim 22.

Independent claim 12 has been amended to add:

a first of the security gateways detecting failure of a second of the security gateways involved in a secure connection with a network device, wherein the secure network connection is associated with the security association; and

in response to detecting the failure, the first security gateway sending a message to the network device that the first security gateway is taking over the secure network connection.

Claim 12 is allowable over Joseph and Bahl for similar reasons as claim 22.

Dependent claims, including newly added dependent claims 26-28, are allowable for at least the same reasons as corresponding base claims.

Allowance of all claims is respectfully requested. The Commissioner is authorized to charge any additional fees and/or credit any overpayment to Deposit Account No. 14-1315 (NRT.0124US).

Respectfully submitted,

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